

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

CHARLTON REED TIPTON	§	
VS.	§	CIVIL ACTION NO. 1:14-CV-370
BRAD LIVINGSTON, DIRECTOR, TDCJ-CID, <i>et al.</i> ,	§	

ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, Charlton Reed Tipton, an inmate confined at the Mark Stiles Unit with the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed a civil rights action pursuant to 42 U.S.C. § 1983 against defendants Brad Livingston, Director TDCJ-CID, Warden Christopher Carter, Assistant Warden Virgil McMullen, Assistant Warden Charles Siringi, FNU Apperson, Felicia Davis, ad FNU Breaux.

The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends plaintiff's claims against defendants Carter and McMullen in their official capacities should be dismissed for failure to state a claim and as frivolous and plaintiff's claims against defendants Livingston, Siringi, Davis, Apperson, and Breaux should be dismissed in their entirety for failure to state a claim.¹

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings. Plaintiff filed objections to the Magistrate Judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and applicable law. *See* FED. R. CIV. P. 72(b).

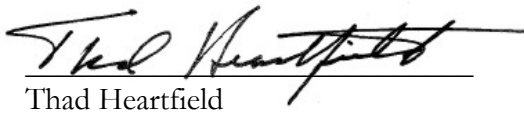
¹The Magistrate Judge recommends plaintiff's claims against Carter and McMullen in their individual capacities shall proceed.

After careful consideration, the Court finds the objections lacking in merit.²

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. A partial judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

SIGNED this the **5** day of **December, 2016**.


Thad Heartfield
United States District Judge

²Plaintiff did not argue any substantive objections and merely asserted his original claims.